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Attorneys for Plaintiff MARSHALL FIELD
and all other similarly situated persons

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARSHALL FIELD, individually and on behalf of
all other similarly situated persons,

Plaintiffs,

v.

AMERICAN MORTGAGE EXPRESS CORP., a
Pennsylvania Corporation and GEVITY HR, INC., a
Florida Corporation,

Defendants.

Case No.: C 09-05972 MHP

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER REGARDING
DEPOSITIONS AND MOTION FOR
SUMMARY JUDGMENT SCHEDULE**

1 Plaintiff Marshall Field ("Field"), by and through his undersigned counsel, and Defendant
2 Gevity HR, Inc. ("Gevity"), by and through its undersigned counsel, hereby enter into the following
3 Joint Stipulation:

4 WHEREAS this Court issued an Order dated October 18, 2010, requiring the parties to
5 complete the depositions of Plaintiff and Marla Barr in October 2010, to file any motions for
6 summary judgment by January 10, 2010, any oppositions to such motions by January 24, 2011, any
7 reply to such oppositions by January 31, 2011, and scheduling a hearing on such motions for
8 February 15, 2011;

9 WHEREAS the depositions of Plaintiff and Ms. Barr did not go forward as scheduled due to
10 unforeseen health problems suffered by Mr. Field's counsel, which rendered him unavailable
11 through November 30, 2010 and for which he served a Notice of Unavailability of Counsel;

12 WHEREAS, the parties have agreed to reschedule the depositions to the earliest dates on
13 which counsel and the parties are available;

14 NOW, THEREFORE, Field and Gevity hereby stipulate and agree as follows:

- 15 1. The deposition of Marshall Field shall take place on February 3, 2011;
- 16 2. The deposition of Marla Barr shall take place on February 22, 2011;
- 17 3. In light of the dates of the depositions, which are relevant to the motions for summary
18 judgment, Field and Gevity agree to continue the deadlines to file and serve and hold a hearing on
19 the motions for summary judgment, if the Court is in agreement, to the following:

- 20 (a) The deadline to file any motion for summary judgment is continued to March
21 31, 2011;
 - 22 (b) The deadline to file any opposition to any motion for summary judgment is
23 continued to April 21, 2011; and
 - 24 (c) The deadline to file any reply to any opposition to any motion for summary
25 judgment is April 28, 2011.
- 26
27
28

(d) The hearing on the motions will be continued to a date following the filing deadline agreeable to the Court.

Dated: December 21, 2010

DUANE MORRIS LLP

By: /s/ Lorraine O. Ocheltree
Lorraine P. Ocheltree
Eric P. Berezin
Allegra Jones
Attorneys for Defendant
GEVITY HR, INC.

Dated: December 21, 2010

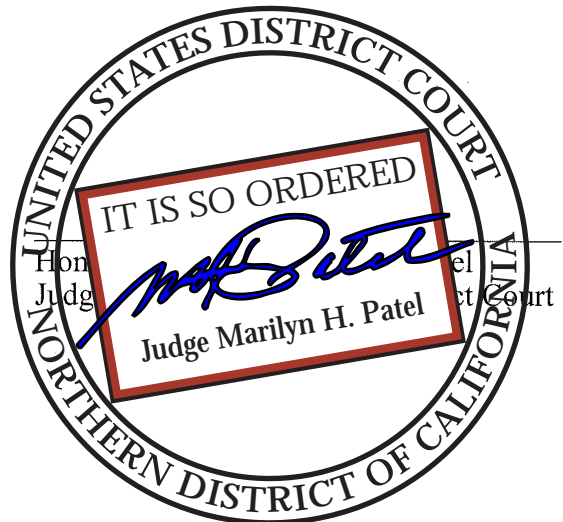
CORNERSTONE LAW GROUP

By: /s/ Harry G. Lewis
Harry G. Lewis
Attorneys for Plaintiff
MARSHALL FIELD

ORDER

IT IS SO ORDERED.

Dated: January 3, 2011
_____, ~~2010~~



GENERAL ORDER 45 CERTIFICATION

I, Lorraine P. Ocheltree, hereby attest pursuant to N.D. Cal. General Order No. 45 that the concurrence to the filing of this document has been obtained from each signatory hereto.

Dated: December 21, 2010

DUANE MORRIS LLP

By: /s/ Lorraine P. Ocheltree
Allegra A. Jones
Attorneys for Defendant
GEVITY HR, INC.

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December 21, 2010

VIA E-FILING

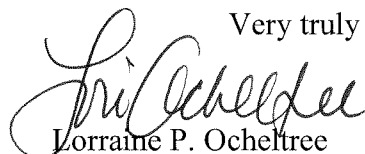
Honorable Marilyn H. Patel
United States District Court
Northern District of California
450 Golden Gate Avenue
Courtroom 15, 18th Floor
San Francisco, CA 94102

Re: *Marshal Field v. American Mortgage Express, et al.*
Case No. C-0905972 MHP
Stipulation and (Proposed) Order Regarding Deposition
and Motion for Summary Judgment Schedule

Dear Judge Patel:

Following the last Case Management Conference in the above matter, the Court issued an order requiring the parties to complete the depositions of the Plaintiff and Gevity HR's representative Marla Barr and setting forth a motion for summary judgment filing and hearing schedule. Plaintiff's counsel was unable to take the depositions as scheduled due to a medical leave of absence. The parties were able to coordinate a new deposition schedule, which extends beyond the Court deadline. In light of the deposition schedule, the parties need relief from the Court's order and an extension of the filing/hearing schedule. Enclosed is the parties' stipulation and a proposed order for the Court's consideration. We appreciate the Court's consideration of this matter.

Very truly yours,


Lorraine P. Ocheltree


Harry Lewis

LPO:cwc
Enclosure

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